

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

BEFORE THE ILLINOIS COMMERCE COMMISSION  
160 NORTH LASALLE STREET, CHICAGO, ILLINOIS

RECEIVED  
JUL 23 2002

Illinois Commerce Commission  
RAIL SAFETY SECTION

In The Matter Of:

The Metropolitan Water Reclamation District of )  
Greater Chicago, a municipal corporation, for approval ) Row File Nos.: 7A and 7AA  
of Acquisition of Real Estate of Burlington Northern and ) McCook  
Santa Fe Railway Company, a corporation of Delaware, )  
Through Exercise of Power of Eminent Domain, )

702-0078

**PETITION**

TO: ILLINOIS COMMERCE COMMISSION  
SPRINGFIELD, ILLINOIS

**NOW COMES** Petitioner, The Metropolitan Water Reclamation District of Greater Chicago, a municipal corporation by its attorneys, Michael Rosenberg, General Attorney, and Earl L. Neal & Associates, Special Attorneys, and moves for approval by the Illinois Commerce Commission of the acquisition of certain real property described herein, pursuant to Section 102 of the Eminent Domain Article of the Illinois Code of Civil Procedure, 735 ILCS 5/7-102, and as grounds for said Petition states as follows:

1. Petitioner is a municipal corporation organized and existing under the laws of the State of Illinois having among its purposes control of drainage, pollution, and flooding of waters within its territorial limits; Petitioner is authorized, in carrying out said purposes, to acquire real estate through exercise of the power of eminent domain, all as provided by "An Act to Create Sanitary Districts and remove obstructions in the Des Plaines and Illinois Rivers", and the several acts of the legislature supplemental and amendatory thereto, 70 ILCS 2605/1 et. seq.

2. The post office address of the Petitioner is as follows: Metropolitan Water Reclamation District of Greater Chicago, c/o Earl L. Neal & Associates, LLC, 203 North LaSalle Street, Suite 2300, Chicago, Illinois 60601.

3. The post office address of the Respondent is as follows: Burlington Northern and Santa Fe Corporation, c/o CT Corporation Systems, 208 South LaSalle Street, Chicago, Illinois 60604.

4. In furtherance of its corporate purposes, Petitioner is constructing the McCook Reservoir Distribution Tunnel, Contract 73-161-2H, in parts of Sections 14 and 15, Township 38 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois, together with all appurtenances thereto (hereinafter the "Project"), the same to be an adjunct of and addition to the drainage system of the Metropolitan Water Reclamation District of greater Chicago.

5. Petitioner has determined by ordinance that impressment of a temporary easement and permanent subterranean easement over, under and through certain real property as legally described and graphically designated on Exhibit A, attached hereto and made a part hereof, is necessary, convenient and desirable to the execution of the aforesaid Project. Said real property is legally owned by Burlington Northern and Santa Fe Railway Company, a corporation of Delaware, a common carrier subject to the jurisdiction of the Illinois Commerce Commission and said Commission has jurisdiction of the subject matter hereto.

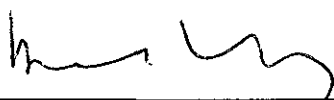
6. The acquisition, construction, and operation of the aforesaid Project will promote the public interest and convenience, and failure of Petitioner to secure the required easements in a timely manner will result in irreparable harm to the public; impressment by Petitioner of the subject easements will have no adverse effect upon the operations of Respondent and will not be deleterious to the public interest in any way.

7. Petitioner has a schedule for the execution and completion of the subject improvement. In order to accommodate the aforesaid schedule, said easements must be acquired expeditiously.

8. Petitioner has been unsuccessful in securing grants of the subject easements through negotiations with Respondent and is about to file a Complaint for Condemnation under the Eminent Domain Act and move for immediate vesting of the required easements under the "quick-take" provisions of Section 103 of the Eminent Domain Article, 735 ILCS 5/7-103.

**WHEREFORE**, Petitioner prays that this Commission approve impressment of the subject easements in the above designated property and immediate vesting in Petitioner of title thereto through exercise by Petitioner of the power of eminent domain pursuant to the Eminent Domain Act of the State of Illinois.

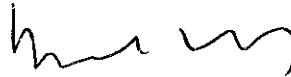
**THE METROPOLITAN WATER RECLAMATION  
DISTRICT OF GREATER CHICAGO**, a municipal  
corporation,

By:   
Earl L. Neal & Associates  
Special Attorneys for The Metropolitan Water  
Reclamation District of Greater Chicago

Michael Rosenberg  
General Attorney  
Michael D. Leroy  
Earl L. Neal & Associates  
Special Attorneys for The Metropolitan Water Reclamation District of Greater Chicago  
203 North LaSalle Street  
Suite 2300  
Chicago, Illinois 60601  
(312) 641-7144  
Firm No. 35615

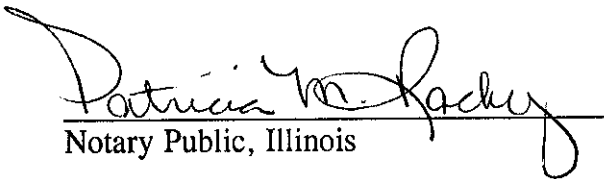
## VERIFICATION

I, Michael D. Leroy, first being duly sworn upon oath depose and say that I am a Special Attorney for the Metropolitan Water Reclamation District, a municipal corporation; that I have read the above and foregoing petition by me subscribed and know the contents thereof; that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.



Michael D. Leroy

Subscribed and sworn to before me  
this 17<sup>th</sup> day of July, 2002



Notary Public, Illinois



GRANTOR: BURLINGTON NORTHERN AND  
SANTA FE RAILWAY COMPANY,  
A CORPORATION OF DELAWARE

PARCEL 7A - PERMANENT SUBTERRANEAN EASEMENT

THE PROPERTY AND SPACE LYING BETWEEN ELEVATIONS OF -270 FEET AND -320 FEET (CHICAGO CITY DATUM) AND ALSO LYING WITHIN THE BOUNDARIES PROJECTED VERTICALLY DOWNWARD FROM THE SURFACE OF THE EARTH OF THOSE PARTS OF THE SW 1/4 SECTION 14 AND THE SE 1/4 OF SECTION 15, ALL IN TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS BEING A TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID SW 1/4; THENCE EASTERLY ALONG THE NORTH LINE OF THE AFORESAID SW 1/4, 166.32 FEET; THENCE S 32° 05' 03" W, 195.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE LAST DESCRIBED COURSE 900.00 FEET; THENCE N 57° 54' 57" W, 90.00 FEET; THENCE N 32° 05' 03" E, 900.00 FEET; THENCE S 57° 54' 57" W, 90.00 FEET TO THE POINT OF BEGINNING.

PIN NOS. 18-14-500-002 & 18-15-500-003

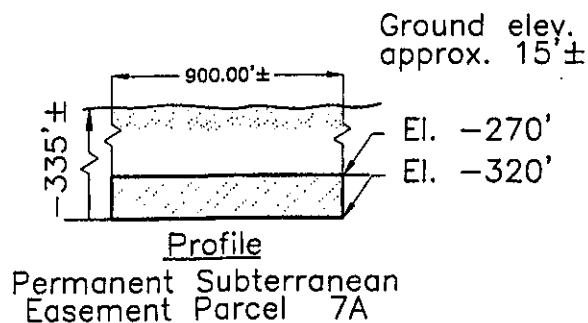
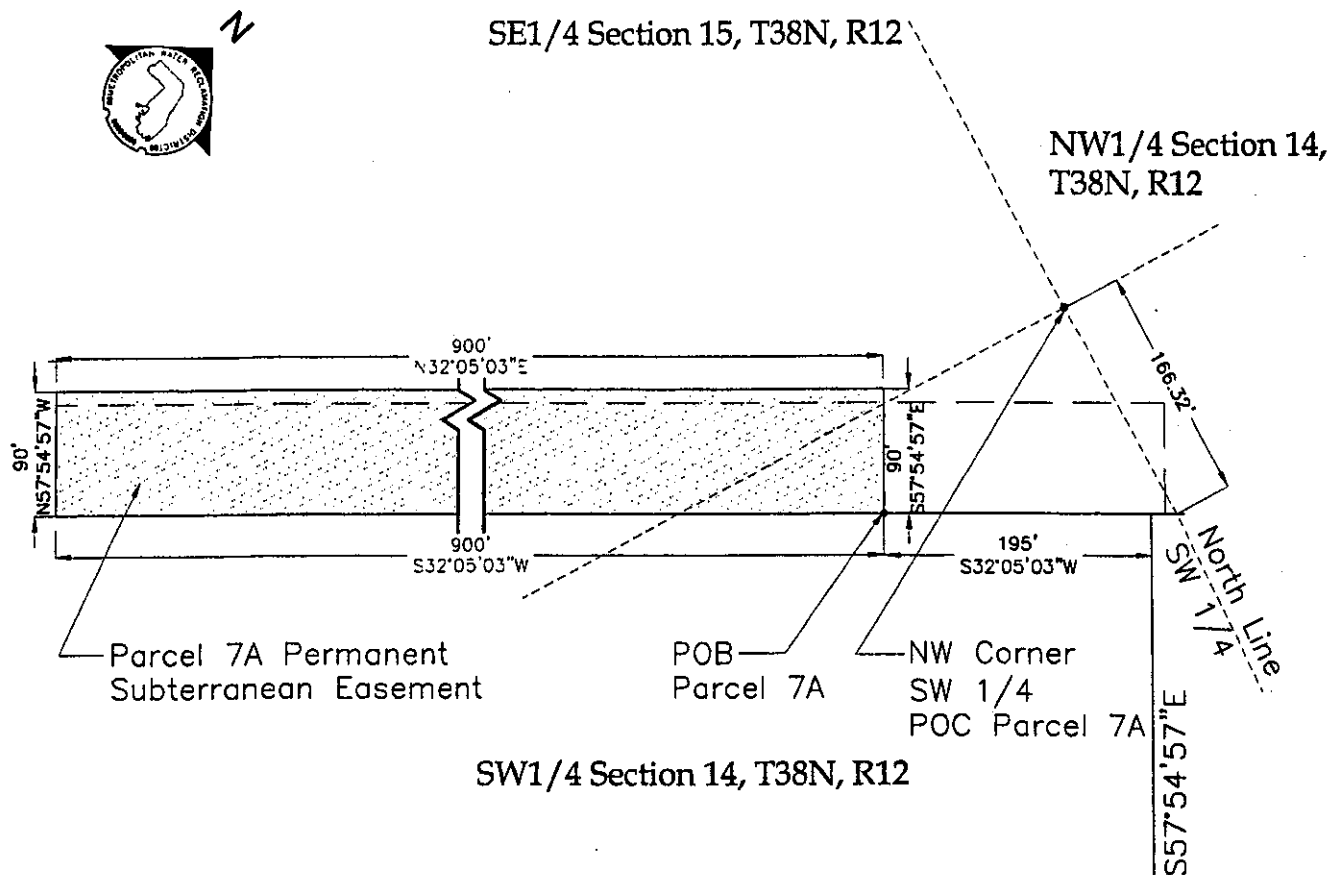
ALL AS SHOWN ON A PLAT MARKED EXHIBIT 7A ATTACHED HERETO  
MADE A PART HEREOF.

# METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

AND

Burlington Northern and Sante Fe Railway Company, a Delaware Corporation

GRANTOR(S)



## Notes:

All Elevations are  
Chicago City Datum.

## EXHIBIT 7A

Not to Scale

T. SZYSZKA  
NEGOTIATOR

J. J. KOLAR  
DRAWN BY

3-9-01  
DATE

McCook Reservoir  
Distribution Tunnels  
PROJECT

73-161-2H  
PCMS NO.

GRANTOR: BURLINGTON NORTHERN AND  
SANTA FE RAILWAY COMPANY, A  
CORPORATION OF DELAWARE

PARCEL 7AA - TEMPORARY EASEMENT

THOSE PARTS OF THE NW  $\frac{1}{4}$  OF SECTION 14, SW  $\frac{1}{4}$  OF SECTION 14 AND  
THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 15, ALL IN TOWNSHIP 38 NORTH, RANGE 12  
EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS BEING A  
TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF THE SAID SW  $\frac{1}{4}$ ; THENCE  
EASTERLY ALONG THE NORTH LINE OF THE AFORESAID SW  $\frac{1}{4}$ , 88' TO THE  
POINT OF BEGINNING; THENCE N 32° 05' 03" E, 40 FEET; THENCE S 57° 54'  
57" E, 80 FEET; THENCE S 32° 05' 03" W, 1500 FEET; THENCE N 57° 54' 57" W,  
80 FEET; THENCE N 32° 05' 03" E, 1460 FEET TO THE POINT OF BEGINNING.

PIN No. 18-14-500-002, 18-15-500-003 & 18-14-100-021

ALL AS SHOWN ON A PLAT MARKED EXHIBIT 7B ATTACHED HERETO  
AND MADE A PART HEREOF.

# METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

AND

Burlington Northern and Sante Fe Railway Company, a Delaware Corporation

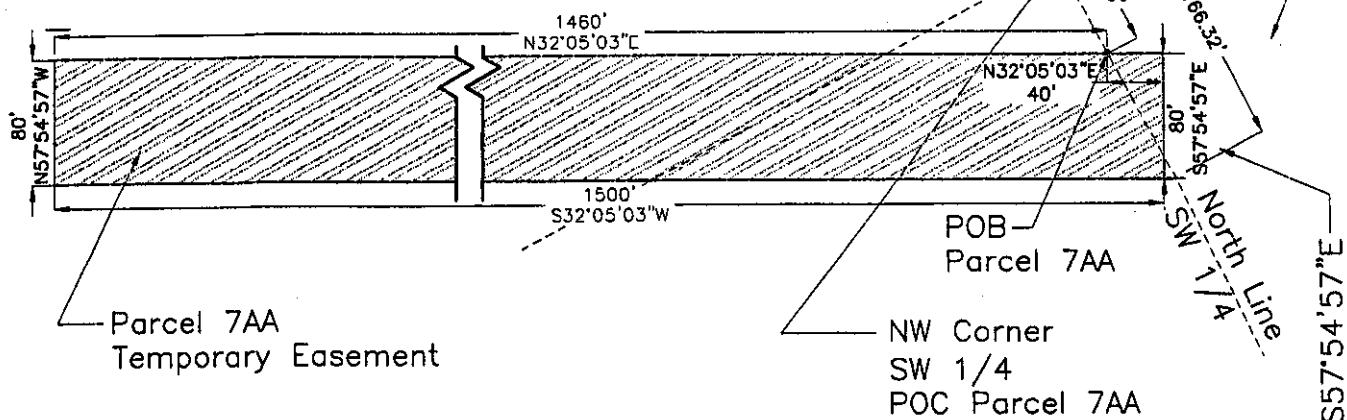
GRANTOR(S)



N

SE1/4 Section 15, T38N, R12

NW1/4 Section 14,  
T38N, R12



SW1/4 Section 14, T38N, R12

## EXHIBIT 7B

Not to Scale

T. SZYSZKA  
NEGOTIATOR

J. J. KOLAR  
DRAWN BY

3-13-02  
DATE

McCook Reservoir  
Distribution Tunnels

PROJECT

73-161-2H

PCMS NO.



PETITION BEFORE  
THE STATE OF ILLINOIS  
COMMERCE COMMISSION

In The Matter Of:

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**NOTICE OF FILING**

To: Mr. Don J. Bratton  
BNSF Account Manager  
The Staubach Company  
5650 North Riverside Drive, Suite 101  
Fort Worth, TX 76137-2464  
Fax: 817/306-8265

Burlington Northern and Sante Fe Corporation  
c/o CT Corporation System  
208 South LaSalle Street  
Chicago, IL 60604-1136

***PLEASE TAKE NOTICE*** that on July 16, 2002, we filed the attached **PETITION FOR ILLINOIS COMMERCE COMMISSION APPROVAL** with the Clerk of the Illinois Commerce Commission in Springfield, Illinois, a copy of which is hereby served upon you.

METROPOLITAN WATER RECLAMATION  
DISTRICT OF GREATER CHICAGO,  
Petitioner

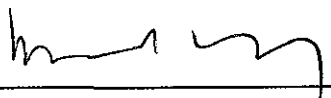
By: 

Earl L. Neal & Associates  
Special Attorney

Michael Rosenberg  
General Attorney  
Michael D. Leroy  
Earl L. Neal & Associates  
Special Attorneys for  
Metropolitan Water Reclamation District of Greater Chicago  
203 North LaSalle Street - Suite 2300  
Chicago, Illinois 60601  
(312) 641-7144

**CERTIFICATE OF SERVICE**

I hereby certify that I served this Notice with attached Petition by mailing a copy to the above mentioned parties via facsimile to Don J. Bratton and by depositing the same in the U.S. Mail at 203 North LaSalle Street, Chicago, Illinois on July 17, 2002.

A handwritten signature in black ink, appearing to read 'Michael D. Leroy', written over a horizontal line.

Michael D. Leroy